



**Certificate of Mailing**

I hereby certify that on November 23, 2005, this correspondence and any attachments are being deposited with the United States Postal Service as First Class Mail, postage pre-paid, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Jennifer D. Gaines*  
Jennifer Gaines

**PATENT**  
Atty. Docket No. 37370-31

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Gary Wayne Bagnall

Serial No.: 10/752,646

Filed: January 6, 2004

For: SPRAYING/MISTING FOR PLANTS AND  
ANIMALS

Group Art Unit: 3752

Examiner: Ganey, Steven J.

Conf. No.: 4111

**REQUEST TO INITIAL FORM PTO/SB08B/  
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the Examiner initial the attached form PTO/SB08b, which was filed in an Information Disclosure Statement on July 6, 2004. A complete copy of that IDS, as filed, is attached. It is noted that the references in the form PTO/SB08a (which also

was included with the IDS) were initialed. Applicant also is attaching a copy of the stamped postcard from the USPTO indicating that all documents were in fact received.

In addition, the following comments are submitted in response to the Examiner's Statement of Reasons for Allowance.

Applicant believes that each claim in the application has been allowed because the combination of features recited in that claim is not disclosed or suggested by the prior art, i.e., that each claim was in fact fully evaluated and then allowed on its own merits. In the Examiner's statement of reasons for allowance, certain features of the allowed claims are emphasized as not being shown by the prior art. However, it is believed that the particular features emphasized in the Examiner's statement of reasons for allowance are just generally representative of the present claims.


Applicant respectfully requests written notification if Applicant's understanding as set forth above is incorrect in any respect whatsoever.

It is not believed that any additional fees are due in connection with the filing of this paper. However, if there are any additional fees due, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 13-3735. A duplicate copy of this page is attached for that purpose.

Dated: November 23, 2005

Respectfully submitted,  
MITCHELL, SILBERBERG & KNUPP LLP

**MITCHELL, SILBERBERG & KNUPP LLP**  
11377 West Olympic Boulevard  
Los Angeles, California 90064  
Telephone: (310) 312-2000  
Facsimile: (310) 312-3100

By   
Joseph G. Swan  
Registration No. 41,338

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/752,646
				Filing Date	January 6, 2004
				First Named Inventor	Gary Wayne Bagnall
				Art Unit	3752
				Examiner Name	To be assigned
				Attorney Docket Number	37370-31
Sheet	2	of	2		

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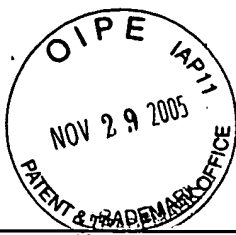
Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



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*Jeff Beno*  
Jeff Beno

**PATENT**  
Atty. Docket No. 37370-31

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

GARY WAYNE BAGNALL

Serial No.: 10/752,646

Filed: January 6, 2004

For: SPRAYING/MISTING FOR PLANTS AND  
ANIMALS

Group Art Unit: 3752

Examiner: To be assigned

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.99, Applicant brings to the attention of the Examiner the references identified on the attached Form PTO/SB/08A+B which the Examiner may consider to be material to examination of the subject application.

Copies of the references are submitted herewith along with Form PTO/SB/08A+B. Applicant respectfully requests that the Examiner consider the enclosed references and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the enclosed documents constitute "prior art". Applicant reserves the right to present to the Patent and Trademark Office relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the enclosed references, should one or more of the references be applied against the claims of the present application.

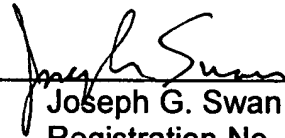
As this submission is being made prior to the first Office Action on the merits, it is believed that no fees are due in connection herewith. If there are any additional fees due in connection with the filing of this paper that have not been accounted for in this paper or in the accompanying papers, please charge the fees to Deposit Account No. 13-3735. If an extension of time under 37 C.F.R. §1.136 is required for the filing of this paper and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to the Deposit Account. A duplicate copy of this page is enclosed for that purpose.

Respectfully submitted,

**MITCHELL, SILBERBERG & KNUPP LLP**

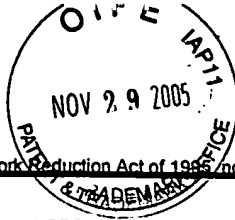
Dated: July 6, 2004

By



Joseph G. Swan  
Registration No. 41,338

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/752,646
Filing Date	January 6, 2004
First Named Inventor	Gary Wayne Bagnall
Art Unit	3752
Examiner Name	To be assigned
Attorney Docket Number	37370-31

Sheet 1 of 2

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	us-6,182,904-B1	02-06-2001	Ulczynski et al.	
	2	us-6,036,108	03-14-2000	Chen	
	3	us-5,964,403	10-12-1999	Miller et al.	
	4	us-5,501,179	03-26-1996	Cory	
	5	us-5,417,080	05-23-1995	Bishop	
	6	us-5,303,563	04-19-1994	Bishop et al.	
	7	us-4,860,555	08-29-1989	Bishop et al.	
	8	us-4,415,797	11-15-1983	Choustoulakis	
	9	us-3,776,192	12-04-1973	Stamps et al.	
	10	us-3,739,944	06-19-1973	Rogerson	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Substitute for form 1449A/PTO

**(Use as many sheets as necessary)**

Sheet

2

of

2

**Complete if Known**

Application Number

10/752.646

Filing Date

January 6, 2004

**First Named Inventor**

**Gary Wayne Bagnall**

### Art Unit

3752

**Examiner Name**

**To be assigned**

Attorney Docket Number

37370-31

## NON PATENT LITERATURE DOCUMENTS

Examiner  
Initials\*Cite  
No.<sup>1</sup>

**Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.**

 $\mathbb{T}^2$ 

11

Mist'r Crisp'r brochure, Hyrdo-Crisper, Inc., Norcross, Georgia, United States of America, published prior to present invention

**Examiner  
Signature**

Date  
Considered

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Application of:  
GARY WAYNE BAGNALL  
Serial No.: 10/752,646  
Filed: January 6, 2004  
For: SPRAYING/MISTING  
FOR PLANTS AND  
ANIMALS

Group Art Unit: 3752

Examiner: To be assigned



Please stamp to acknowledge receipt of the following documents:

1. Information Disclosure Statement;
2. Form PTO/SB/08A+B; and
3. Eleven (11) cited references.

Date Mailed: July 6, 2004

MSK Docket No. 37370-31